



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

**Washington, DC 20515**

**James L. Oberstar**  
**Chairman**

**John L. Mica**  
**Ranking Republican Member**

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

April 16, 2007

James W. Coon II, Republican Chief of Staff

**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Committee on Transportation and Infrastructure

**FROM:** Committee on Transportation and Infrastructure Staff

**SUBJECT:** Hearing on "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings"

**PURPOSE OF THE HEARING**

On Wednesday, April 18, 2007, at 10 a.m., in room 2167 Rayburn House Office Building, the Committee on Transportation and Infrastructure will hold a hearing on the Department of Homeland Security's plan to reduce the number of Federal Protective Service (FPS) officers and their presence at Federal buildings nationwide.

Pursuant to the President's FY 2008 Budget request, the Department of Homeland Security (DHS) proposes to cut the number of authorized FPS Law Enforcement Officers and civilian employees by more than 25 percent – from 1,295 full-time equivalent (FTE) employees to 950 FTE employees. This DHS downsizing plan eliminates 249 existing FPS positions. The Committee is extremely concerned with the effects of the DHS downsizing plan on FPS' ability to provide law enforcement and security services at more than 8,900 federally owned and leased facilities throughout the United States, totaling approximately 330 million square feet of space, and housing more than 1.1 million Federal personnel.

A December 20, 2006 analysis of the President's FY 2008 FPS Budget prepared by U.S. Immigration and Customs Enforcement (ICE) of DHS and presented to the FPS Regional Directors specifically includes a description of the "**Risk Assumed by Transformation**":

***"Consolidated and eliminated activities: Reduced 503 Authorized/245 On-hand personnel***

- ***No proactive patrol to deter attack planning; and detect/deter suspicious and criminal activity.*** Reporting of suspicious activity will depend on Federal Employees and activity previously deterred by patrol may occur. ***Any pre-attack actions at a facility***

*would only be detected by occupants or roving guards. Only reactive response will be provided.*

- *No response to calls for police service to protect Federal employees and visitors, and investigate crimes at Federal facilities in areas where FPS will no longer have a presence.* These facilities and employees will receive only the same response from local authorities as any other commercial property. Local police, particularly in large cities, respond based on a priority basis. This may mean criminal activity previously investigated may only be reported, with no investigation.
- *No FPS presence in approximately 50 current cities.*
- *Security risk assessments at 7,215 security level 1&2 facilities will be conducted every six years instead of every four years. Changes in threats and risks may not be noticed or mitigated.*
- No routine checks for compliance, countermeasure effectiveness or threat changes at 4,700 security level 2 facilities.
- *FPS Explosive Detection Dog Teams will be stationed only in the 18 largest cities. 10 cities will no longer have the capability. Teams will be reduced from 60 to 29.*
- *Participation in FBI Joint Terrorism Task Forces reduced to 12 Special Agents from 24.*
- Special Agents available to investigate serious crimes reduced to 14 from 58.
- *No night or weekend police response or service anywhere.*
- *Largest reductions in New York and Washington DC due to proactive activity elimination.*
- *States with largest percentage reductions also include Connecticut, Maine, NH and Wyoming.”* [Emphasis added]

In addition to concerns regarding the DHS proposal to downsize FPS, the hearing will examine whether FPS, like the Federal Emergency Management Agency, has lost its focus on core capabilities since being placed within the Department of Homeland Security. The Committee remains concerned with the placement of FPS within ICE. Prior to the creation of the Department of Homeland Security, FPS was an agency within the General Services Administration (GSA). In March 2003, FPS was transferred to the newly established DHS and is a division within DHS' ICE. In March 2005, a panel of national security experts unanimously testified at a House Homeland Security Committee hearing that FPS was poorly placed within ICE and its effectiveness had been diminished. On June 14, 2005, then-Ranking Member Oberstar and then-Economic Development Subcommittee Ranking Member Norton wrote to Secretary of Homeland Security Michael Chertoff expressing concern about the placement of FPS within ICE and how the placement is affecting the agency's funding, and whether the placement is affecting FPS' ability to maximize its institutional

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<sup>1</sup> U.S. Immigration and Customs Enforcement, Briefing on the Federal Protective Service Transition to FY 08 Budget, Prepared for FPS Regional Directors, December 20, 2006, p. 8.

security and law enforcement expertise. DHS never wrote a response to the letter. As part of DHS' Second Stage Review, the Department made no change with regard to the placement of FPS within ICE.

## BACKGROUND

### FPS History

The origins of FPS date to 1790, with the enactment of legislation authorizing President George Washington to appoint three commissioners to establish a federal territory for a permanent seat of Federal Government. Prior to the formal establishment of the seat of government, the commissioners hired six night watchmen to protect the designated buildings the government was intended to occupy. FPS traces its origins to the appointment of these six night watchmen.

FPS has resided in a number of different agencies over the years. The Act of June 1, 1948 authorized the Federal Administrator to appoint special policemen for duty in connection with the policing of all buildings owned and occupied by the United States. In 1949, Congress enacted the Federal Property and Administrative Services Act of 1949, which consolidated real property functions within the newly created General Services Administration (GSA). The FPS force, known at the time as the United States Special Police, came under the supervision of the Protection Division of the Public Building Service (PBS). In 1971, the Administrator of GSA signed an order formally establishing the Federal Protective Force, later known as FPS, and the Civil Service Commission authorized the special classification title of Federal Protective Officer (FPO).

Initially the main function of FPS was protection, as an integral part of building operations. For the most part, the force held fixed posts and performed duties that would be considered safety functions today, such as: eliminating fire and safety hazards, patrolling buildings, detecting fires, and providing the first line of defense in fighting fires; and answering visitor questions, assisting citizens, rendering first aid, and directing traffic when necessary. By 1960, the mission of FPS became the first line of defense against bomb threats, bombings, vandalism, mass demonstrations, and violence against Federal buildings.

More recently, the role of the FPS officer has undergone further changes. The FPS has shifted its emphasis from the fixed guard post concept of security to a mobile police patrol and response. FPS officers perform all duties attendant to the normal interpretation of a police officer function including maintaining law and order, preventing or deterring disturbances, and investigating both felonies and misdemeanors. The Civil Service Commission developed standards for FPS applicants, which included a written examination, background investigations, and physical examinations.

Pursuant to the Homeland Security Act of 2002, FPS was transferred from GSA to the newly established Department of Homeland Security, effective March 1, 2003.<sup>2</sup> FPS became part of ICE.

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<sup>2</sup> 6 U.S.C. 203.

## **Vulnerability Assessment of Federal Facilities**

In the wake of the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, the Department of Justice (DOJ) assessed the vulnerability of Federal office buildings in the United States, particularly to acts of terrorism and other forms of violence. The DOJ's June 1995 report, *Vulnerability Assessment of Federal Facilities*, designated security levels I through V into which Federal buildings were classified. Fifty-two minimum standards were established, with level I having 18 minimum standards and level V having 39 minimum standards. The DOJ report made several recommendations to bring each Federal facility up to minimum standards recommended for its security level. Part of the recommendations centered on upgrading the Federal Protective Service. The report noted that FPS has the experience and historical character to provide security services for much of the Federal workforce. However, the report also noted that the FPS has limited resources to determine building security requirements to address terrorist threats and does not have the resources to respond to these requirements even if the requirements are properly articulated.

The level of physical protection services that FPS provides at each building varies depending on the Federal building's security level and the security needs of the particular agency.

## **Federal Protective Service Functions**

FPS is the Federal law enforcement organization responsible for the protection and security of Federally-owned and leased buildings, property, and personnel across the nation. Under the Homeland Security Act, DHS became responsible for protecting buildings, grounds, and property owned, occupied, or secured by the Federal Government that are under GSA's jurisdiction.<sup>3</sup> In addition to GSA facilities, the Act also provides FPS with authority to protect buildings of other agencies whose functions were transferred to GSA.<sup>4</sup>

FPS is a full-service law enforcement and security service agency with comprehensive hazardous materials, weapons of mass destruction, canine, and emergency response programs. FPS customers reimburse the agency for these services through direct billing. FPS services include providing a visible uniformed presence in our major Federal buildings, responding to criminal incidents and other emergencies, installing and monitoring security devices and systems, investigating criminal incidents, conducting physical security surveys, coordinating a comprehensive program for occupants' emergency plans, presenting formal crime prevention and security awareness programs, providing police emergency and special security services during natural disaster, major civil disturbances, and man-made disasters, such as terrorist attacks and riots.

On an annual basis, the FPS handles: 10 million law enforcement calls for service, including 3.8 million radio calls, 2.4 million telephone calls, and 3.8 million alarm responses; more than 1,000 criminal investigations for crimes against government facilities and employees; arrests of more than 4,000 people for committing crimes on Federal property; and guarding more than 500 facilities 24 hours per day, 7 days a week.

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<sup>3</sup> 40 U.S.C. 1315 and 6 U.S.C. 203.

<sup>4</sup> 40 U.S.C. 1315.

## **FPS Force**

The current FPS force is composed of both uniformed and non-uniformed officers, including criminal investigators and law enforcement and security specialists. Training for FPS officers includes 8-13 weeks of instruction at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, with additional periodic in-service and refresher training courses. FPS has a force of approximately 1,196 FPS employees, of which 870 employees are law enforcement personnel. The Law Enforcement personnel include 447 inspectors, 290 Federal Police Officers (FPO), 122 criminal investigators, and 9 physical security specialists.<sup>5</sup> The FPS also uses approximately 15,000 contract security guards.

As part of its reduction in force, the FPS proposes to realign its law enforcement personnel from police officers to inspectors. Police officer duties are comparable to traditional police patrol officers. Inspectors prepare building security plans, inspect facilities, manage contract security guards, and respond to incidents as needed. Investigators perform in-depth criminal investigations.

## **FPS Financing System**

When FPS was part of GSA, FPS was funded primarily through security fees that were included with the rent payments GSA received from tenant agencies. GSA also covered any shortfall between the cost of security and the amount of security fees collected. In fiscal year 2003, GSA estimates that it provided \$139 million to FPS to address the funding shortfall. According to a July 2004 Government Accountability Office (GAO) report, the shortfalls have been caused over the years by increasing security costs and restrictions on tenant agencies' rental payments that were enacted in legislation. Similar shortfalls continue to impact FPS and its operations. Since FPS was transferred to DHS, similar shortfalls continue to impact FPS and its operations. However, GSA no longer covers these shortfalls. In addition, with its transfer to DHS, FPS has additional administrative costs, such as rent, that it did not have to pay when it resided in GSA.

Security fees consisted of three separate components: basic security fees, building-specific security fees, and tenant-specific security fees. Basic security fees cover security services provided by FPS to all GSA tenants and include such services as patrol and response, security surveys, alarm monitoring, salaries, and other common cost items. This fee is charged to all building on a per square footage basis in GSA-owned and operated facilities. The FY 2008 Budget proposes a fee of \$0.57 per square foot, an increase of 18 cents from the FY 2007 fee (\$0.39 per square foot).

Building-specific security fees cover security measures specific to a particular building based on its designated security level. For example, a level IV building may have more guards, magnetometers, and cameras than a level I building. Contract security guards may control provide access control, monitor security equipment, and provide roving patrols. The charges for building-specific security services are allocated to tenants based on the number of square feet they occupy in the building. In addition, FPS uses a reimbursable program to charge for security services in excess of what FPS determines to be sufficient for a building. For example, agencies may request additional magnetometers or more advanced perimeter surveillance capabilities.

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<sup>5</sup> Immigration and Customs Enforcement, FPS Law Enforcement Personnel as of December 2006.

In addition, tenants may request additional tenant-specific security measures through a special work authorization. For instance, the tenant may request an extra law enforcement officer to guard the office entrance. The tenant pays FPS for these additional services.

Prior to the transfer of FPS from GSA to DHS, GSA delegated some of its authority for facility protection or contract guard services regarding some specific facilities. This delegation includes facilities occupied by the Departments of Defense, Justice, State, and Transportation. DHS has not granted any additional delegations since FPS became part of the Department. Pursuant to the delegation of facility protection, agencies may have uniformed officers of their own or may contract separately for guard services. These agencies continue to pay the basic security fee but they use their own administrative funds to finance building- or tenant-specific security.

Attached are the witness list and the U.S. Immigrations and Customs Enforcement December 20, 2006 Briefing on the Federal Protective Service transition to the FY 2008 President's Budget which was prepared for the FPS Regional Directors.

**WITNESSES**

**The Honorable David Wu**  
Member of Congress

**Inspector Michael J. Brown**  
Federal Protective Service

**Corporal Stanley Nowak**  
Federal Protective Service

**Inspector Sterling Proctor Jr.**  
Federal Protective Service

**Officer Jim Ward**  
Federal Protective Service

**The Honorable Michael Jackson**  
Deputy Secretary  
Department of Homeland Security

**David Wright**  
President  
American Federation of Government Employees, Local 918

**Chuck Canterbury**  
President  
Fraternal Order of Police